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CRIME PREVENTION AND CRIMINAL JUSTICE

Crime prevention and criminal justice measures to eliminate violence against women

Note by the Secretariat

By its resolution 1997/24, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Crime prevention and criminal justice measures to eliminate violence against women". The text of the draft resolution is reproduced below.

The General Assembly,

Bearing in mind its resolution 48/104 of 20 December 1993, in which it proclaimed the Declaration on the Elimination of Violence against Women, and recalling the definition of violence against women contained in articles 1 and 2 of the Declaration,

Strongly condemning all forms of violence against women,

Stressing that the effective implementation of the Convention on the Elimination of All Forms of Discrimination against Women[1] contributes to the elimination of violence against women and that the implementation of the Declaration on the Elimination of Violence against Women strengthens and complements that process,

[1] **General Assembly resolution 34/180, annex.**

Recalling the Beijing Declaration[2] and Platform for Action[3] adopted by the Fourth World Conference on Women: Action for Equality, Development and Peace, held at Beijing from 4 to 15 September 1995, and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women and girls,

Recognizing the need to fully implement the Beijing Declaration and Platform for Action in the field of crime prevention and criminal justice and to develop strategies and practical measures in that field,

Recalling Commission on Human Rights resolution 1997/44 of 11 April 1997, on the elimination of violence against women,

Welcoming the renewal of the mandate by the Commission on Human Rights of the Special Rapporteur on violence against women, its causes and consequences,

Recalling the conclusions and recommendations of the Special Rapporteur, stressed by the Commission on Human Rights in its resolution 1997/44, that States have an affirmative duty to promote and protect the human rights of women and must exercise due diligence to prevent violence against women,

Affirming Economic and Social Council resolution 1996/12 of 23 July 1996 on the elimination of violence against women,

Expressing deep concern about the high social, health and economic costs to the individual and society that are associated with violence against women,

Bearing in mind that criminal justice agencies should work closely with practitioners in other sectors, including health, social services and education, and with members of the community to deal with the problem of violence against women,

Acknowledging the valuable contribution made by non-governmental organizations, organizations seeking women's equality and community agencies in working towards the elimination of violence against women,

1. Urges Member States to review and evaluate their legislation and legal principles, procedures, policies and practices relating to criminal matters, in a manner consistent with their legal systems, to determine if they have a negative impact on women and, if they have such an impact, to modify them in order to ensure that women are treated fairly by the criminal justice system;

2. Also urges Member States to undertake strategies, develop policies and disseminate materials to promote women's safety in the home and in society at large, including specific crime prevention strategies that reflect the realities of women's lives and address their distinct needs in areas such as social development, environmental design and educational prevention programmes;

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[2] **A/CONF.177/20 and Add.1, chap. I, resolution 1, annex I.**

[3] **Ibid., resolution 1, annex II.**

3. Further urges Member States to promote an active and visible policy of integrating a gender perspective into the development and implementation of all policies and programmes in the field of crime prevention and criminal justice which may assist in the elimination of violence against women so that, before decisions are taken, an analysis may be made to ensure that they entail no unfair gender bias;

4. Calls upon the Commission on Crime Prevention and Criminal justice, through the Crime Prevention and Criminal Justice Division of the Secretariat and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, to cooperate and to coordinate with all relevant organs, bodies and other entities of the United Nations system their activities on issues relating to violence against women and to the removal of gender bias in the administration of criminal justice;

5. Calls upon the institutes comprising the Programme network to continue training in the field of violence against women and to consolidate and disseminate information on successful intervention models and preventive programmes at the national level;

6. Requests the Commission on Crime Prevention and Criminal Justice to ensure that Strategies for Confronting Domestic Violence: a Resource Manual,[4] which has been published in English, is published in the other official languages of the United Nations, subject to the availability of regular budget or extrabudgetary funds, and acknowledges the contribution of Canada in that respect;

7. Calls upon Governments, international organizations and non-governmental organizations, as appropriate, to translate Strategies for Confronting Domestic Violence: a Resource Manual into local languages and to ensure its wide dissemination for use in training and education programmes;

8. Takes note of the report of the Secretary-General on the elimination of violence against women,[5] including the revision of the draft practical measures, strategies and activities in the field of crime prevention and criminal justice for the elimination of violence against women, based on comments received from Member States, United Nations entities, including specialized agencies, and associate entities, as well as intergovernmental and non-governmental organizations;

9. Adopts the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution, as a model of guidelines to be used by Governments in their efforts to address, within the criminal justice system, the various manifestations of violence against women;

10. Urges Member States to be guided by the Model Strategies and Practical

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[4] **ST/CSDHA/20.**

[5] **E/CN.15/1997/11 and Add.1.**

Measures in developing and undertaking strategies and practical measures to eliminate violence against women and in promoting women's equality within the criminal justice system;

11. Requests the Commission on Crime Prevention and Criminal Justice, through the Crime Prevention and Criminal Justice Division, to assist Member States at their request in utilizing the Model Strategies and Practical Measures;

12. Calls upon the Commission on Crime Prevention and Criminal Justice to continue to consider the elimination of violence against women within the training and technical assistance efforts of the United Nations Crime Prevention and Criminal Justice Programme;

13. Requests the Secretary-General to ensure the wide dissemination of the Model Strategies and Practical Measures, with a view to promoting their use;

14. Also requests the Secretary-General to transmit the Model Strategies and Practical Measures to the relevant United Nations organizations and bodies, such as the Commission on the Status of Women, the Committee on the Elimination of Discrimination against Women, the Commission on Human Rights, including the Subcommission on Prevention of Discrimination and Protection of Minorities, and the Special Rapporteur on violence against women, its causes and its consequences and invites those organizations and bodies to develop strategies and practical measures on the elimination of violence against women on their areas of expertise;

15. Invites the Economic and Social Council to consider including the issue of violence against women at the high-level segments of one of its forthcoming sessions, in the context of its discussion on the human rights of women;

16. Requests the Secretary-General to submit to the General Assembly at its fifty-fourth session, through the Economic and Social Council, a report on the implementation of the present resolution.

Annex

MODEL STRATEGIES AND PRACTICAL MEASURES ON THE ELIMINATION OF VIOLENCE AGAINST WOMEN IN THE FIELD OF CRIME PREVENTION AND CRIMINAL JUSTICE

1. The multifaceted nature of violence against women suggests that different strategies are required for different manifestations of violence and the various settings in which it occurs. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to deal with the problem of violence against women. Except where otherwise specified, the term "women" encompasses "girl children".

2. Recalling the definition of violence against women in the Declaration on

the Elimination of Violence against Women[6] and reiterated in the Platform for Action adopted by the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995,[7] the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice build on the measures adopted by Governments in the Platform for Action, bearing in mind that some groups of women are especially vulnerable to violence.

3. The Model Strategies and Practical Measures specifically acknowledge the need for an active policy of bringing into the mainstream a gender perspective in all policies and programmes related to violence against women and of achieving gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in areas of decision-making related to the elimination of violence against women. The Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[8] the Convention on the Rights of the Child,[9] and the International Covenant on Civil and Political Rights,[10] with a view to furthering their fair and effective implementation.

4. The Model Strategies and Practical Measures should be implemented by Member States and other entities, without prejudice to the principle of gender equality before the law, in order to facilitate the efforts by Governments to deal with, within the criminal justice system, the various manifestations of violence against women.

5. The Model Strategies and Practical Measures are aimed at providing de jure and de facto equality between women and men. The Model Strategies and Practical Measures do not give preferential treatment to women but are aimed at ensuring that any inequalities or forms of discrimination that women face in achieving access to justice, particularly in respect of acts of violence, are redressed.

I. CRIMINAL LAW

6. Member States are urged:

(a) To periodically review, evaluate and revise their laws, codes and procedures, especially their criminal laws, to ensure their value and effectiveness in eliminating violence against women and remove provisions that allow for or condone violence against women;

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[6] **General Assembly resolution 48/104.**

[7] **Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995 (A/CONF.177/20 and Add.1).**

[8] **General Assembly resolution 34/180, annex.**

[9] **General Assembly resolution 44/25, annex.**

[10] **General Assembly resolution 2200 A (XXI), annex.**

(b) To review, evaluate and revise their criminal and civil laws, within the framework of their national legal systems, in order to ensure that all acts of violence against women are prohibited and, if not, to adopt measures to do so;

(c) To review, evaluate and revise their criminal laws in order to ensure that:

(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women.

II. CRIMINAL PROCEDURE

7. Member States are urged to review, evaluate and revise their criminal procedure, as appropriate, in order to ensure that:

(a) The police have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women, including confiscation of weapons;

(b) The primary responsibility for initiating prosecutions lies with prosecution authorities and does not rest with women subjected to violence;

(c) Women subjected to violence have an opportunity to testify in court proceedings equal to that of other witnesses and that measures are available to facilitate such testimony and to protect their privacy;

(d) Rules and principles of defence do not discriminate against women, and such defences as honour or provocation do not allow perpetrators of violence against women to escape all criminal responsibility;

(e) Perpetrators who commit acts of violence against women while voluntarily under the influence of alcohol or drugs are not absolved of all criminal or other responsibility;

(f) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

(g) The courts have, subject to the national constitution of their State, the authority to issue protection and restraining orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside of the domicile, and to impose penalties for breaches of these orders;

(h) Measures can be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation;

(i) Safety risks are taken into account in decisions concerning non- or quasi-custodial sentences, the granting of bail, conditional release, parole or probation.

III. POLICE

8. Member States are urged, within the framework of their national legal systems:

(a) To ensure that the applicable provisions of laws, codes and procedures related to violence against women are consistently enforced in such a way that all criminal acts of violence against women are recognized and responded to accordingly by the criminal justice system;

(b) To develop investigative techniques that do not degrade women subjected to violence and minimize intrusion, while maintaining standards for the collection of the best evidence;

(c) To ensure that police procedures, including decisions on the arrest, detention and terms of any form of release of the perpetrator, take into account the need for the safety of the victim and others related through family, socially or otherwise and that these procedures also prevent further acts of violence;

(d) To empower the police to respond promptly to incidents of violence against women;

(e) To ensure that the exercise of police powers is undertaken according to the rule of law and codes of conduct and that the police may be held accountable for any infringement thereof;

(f) To encourage women to join police forces, including at the operational level.

IV. SENTENCING AND CORRECTIONS

9. Member States are urged, as appropriate:

(a) To review, evaluate and revise sentencing policies and procedures in order to ensure that they meet the goals of:

(i) Holding offenders accountable for their acts related to violence against women;

(ii) Stopping violent behaviour;

(iii) Taking into account the impact on victims and their family members of

sentences imposed on perpetrators who are members of their families;

(iv) Promoting sanctions that are comparable to those for other violent crimes;

(b) To ensure that a woman subjected to violence is notified of any release of the offender from detention or imprisonment where the safety of the victim in such disclosure outweighs invasion of the offender's privacy;

(c) To take into account in the sentencing process the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements where such practices are permitted by law;

(d) To make available to the courts through legislation a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence;

(e) To ensure that the sentencing judge is encouraged to recommend treatment of the offender at the time of sentencing;

(f) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(g) To develop and evaluate offender treatment programmes for different types of offenders and offender profiles;

(h) To protect the safety of victims and witnesses before, during and after criminal proceedings.

V. VICTIM SUPPORT AND ASSISTANCE

10. Member States are urged, as appropriate:

(a) To make available to women who have been subjected to violence information on rights and remedies and on how to obtain them, in addition to information about participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints;

(c) To ensure that women subjected to violence receive, through formal and informal procedures, prompt and fair redress for the harm that they have suffered, including the right to seek restitution or compensation from the offenders or the State;

(d) To provide for court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair processing of cases;

(e) To establish a registration system for judicial protection and

restraining orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force.

VI. HEALTH AND SOCIAL SERVICES

11. Member States, in cooperation with the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation for women and their children who are at risk of becoming or who have been victims of violence;

(b) To establish, fund and coordinate services such toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To design and sponsor programmes to caution against and prevent alcohol and substance abuse, given the frequent presence of alcohol and substance abuse in incidents of violence against women;

(d) To establish better linkages between medical services, both private and emergency, and criminal justice agencies for purposes of reporting, recording and responding to acts of violence against women;

(e) To develop model procedures to help participants in the criminal justice system to deal with women subjected to violence;

(f) To establish, where possible, specialized units with persons from relevant disciplines especially trained to deal with the complexities and victim sensitivities involved in cases of violence against women.

VII. TRAINING

12. Member States, in cooperation with non-governmental organizations, including organizations seeking women's equality, and in collaboration with relevant professional associations, are urged, as appropriate:

(a) To provide for or encourage mandatory cross-cultural and gender-sensitivity training modules for police, criminal justice officials, practitioners and professionals involved in the criminal justice system that deal with the unacceptability of violence against women, its impact and consequences and that promote an adequate response to the issue of violence against women;

(b) To ensure adequate training, sensitivity and education of police,

criminal justice officials, practitioners and professionals involved in the criminal justice system regarding all relevant human rights instruments;

(c) To encourage professional associations to develop enforceable standards of practice and behaviour for practitioners involved in the criminal justice system, which promote justice and equality for women.

VIII. RESEARCH AND EVALUATION

13. Member States and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To develop crime surveys on the nature and extent of violence against women;

(b) To gather data and information on a gender-disaggregated basis for analysis and use, together with existing data, in needs assessment, decision-making and policy-making in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women, its causes and consequences;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The relationship between the victim and the offender;

(iv) The rehabilitative or anti-recidivistic effect of various types of intervention on the individual offender and on the reduction of violence against women;

(v) The use of firearms, drugs and alcohol, particularly in cases of violence against women in situations of domestic violence;

(vi) The relationship between victimization or exposure to violence and subsequent violent activity;

(c) To monitor and issue annual reports on the incidence of violence against women, arrest and clearance rates, prosecution and case disposition of the offenders;

(d) To evaluate the efficiency and effectiveness of the criminal justice system in fulfilling the needs of women subjected to violence.

IX. CRIME PREVENTION MEASURES

14. Member States and the private sector, relevant professional associations, foundations, non-governmental and community organizations, including organizations seeking women's equality, and research institutes are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness and public education and school programmes that prevent violence against women by promoting equality, cooperation, mutual respect and shared responsibilities between women and men;

(b) To develop multidisciplinary and gender-sensitive approaches within public and private entities that participate in the elimination of violence against women, especially through partnerships between law enforcement officials and the services that are specialized in the protection of women victims of violence;

(c) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote the peaceful resolution of conflicts, the management and control of anger and attitude modification about gender roles and relations;

(d) To set up outreach programmes and offer information to women, including victims of violence, about gender roles, the human rights of women and the social, health, legal and economic aspects of violence against women, in order to empower women to protect themselves against all forms of violence;

(e) To develop and disseminate information on the different forms of violence against women and the availability of programmes to deal with that problem, including programmes concerning the peaceful resolution of conflicts, in a manner appropriate to the audience concerned, including in educational institutions at all levels;

(f) To support initiatives of organizations seeking women's equality and non-governmental organizations to raise public awareness of the issue of violence against women and to contribute to its elimination.

15. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights of women and discouraging both discrimination against women and stereotyping of women.

X. INTERNATIONAL COOPERATION

16. Member States and United Nations bodies and institutes are urged, as appropriate:

(a) To exchange information concerning successful intervention models and preventive programmes in eliminating violence against women and to compile a directory of those models;

(b) To cooperate and collaborate at the regional and international levels with relevant entities to prevent violence against women and to promote measures to effectively bring perpetrators to justice, through mechanisms of international cooperation and assistance in accordance with national law;

(c) To contribute to and support the United Nations Development Fund for Women in its activities to eliminate violence against women.

17. Member States are urged:

(a) To limit the extent of any reservations to the Convention on the Elimination of All Forms of Discrimination against Women to those that are formulated as precisely and as narrowly as possible and that are not incompatible with the object and purpose of the Convention;

(b) To condemn all violations of the human rights of women in situations of armed conflict, to recognize them as being violations of international human rights and humanitarian law and to call for a particularly effective response to violations of that kind, including in particular murder, systematic rape, sexual slavery and forced pregnancy;

(c) To work actively towards ratification of or accession to the Convention on the Elimination of All Forms of Discrimination against Women, for the States that are still not parties to it, so that universal ratification can be achieved by the year 2000;

(d) To give full consideration to integrating a gender perspective in the drafting of the statute of the international criminal court, particularly in respect of women who are victims of violence;

(e) To cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences in the performance of his or her mandated tasks and duties, to supply all information requested and to respond to the Special Rapporteur's visits and communications.

XI. FOLLOW-UP ACTIVITIES

18. Member States and United Nations bodies subject to extrabudgetary funds, the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, other relevant international organizations, research institutes, non-governmental organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To encourage the translation of the Model Strategies and Practical Measures into local languages and to ensure its wide dissemination for use in training and education programmes;

(b) To utilize the Model Strategies and Practical Measures as a basis, a policy reference and a practical guide for activities aimed at eliminating violence against women;

(c) To assist Governments, at their request, in reviewing, evaluating and revising their criminal justice systems, including their criminal legislation, on the basis of the Model Strategies and Practical Measures;

(d) To support the technical cooperation activities of the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network in eliminating violence against women;

(e) To develop coordinated national, regional and subregional plans and programmes to put the Model Strategies and Practical Measures into effect;

(f) To design standard training programmes and manuals for the police and criminal justice officials, based on the Model Strategies and Practical Measures;

(g) To periodically review and monitor, at the national and international levels, progress made in terms of plans, programmes and initiatives to eliminate violence against women in the context of the Model Strategies and Practical Measures.